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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,183	10/09/2003	Timothy B. Barnum	8049.0789-01	7882
22852	7590	11/01/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			BUTLER, MICHAEL E	
		ART UNIT	PAPER NUMBER	
			3653	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/681,183	BARNUM ET AL.	
	Examiner	Art Unit	
	Michael Butler	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 June 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-44 is/are pending in the application.
- 4a) Of the above claim(s) 11-27 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 28-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

*Priority*

1. Applicant's claim of priority to application 09/849994 filed 5/8/2001 which claims priority to provisional application 60/250146 filed 12/1/2000.

*Drawings*

2. The drawings are acceptable.

*Election/Restriction*

3. Applicant's election of invention II with traverse of the restriction requirement mailed 4/4/2005 is acknowledged and was made final.
4. Claims 11-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected, there being no allowable generic or linking claim.
5. The applicant argues the restriction requirement ought be withdrawn for a lack of burden. Reverters comprise a distinct element not normally found in most sorters requiring separate search and consideration. The integrated postal system is capable of performing moving mail independent of verifying postage.

No common prior art anticipating the group I and II claims was noticed in the search of the Group II claims, further evidencing distinction between groups I and II.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3653

7. Claims 40-43 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These newly amended claimed features elements are not within the specification. There is nothing in the specification disclosing the transport in the floor, with a height minimum of 6 feet high, sufficiently high to permit passage of a pedestrian, nor checking postal sufficiency.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 28 and 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Syvatsky et al. (6019364) which discloses all the claimed elements including:

(Re: cl 28) verifying and canceling postage by the postage verifier (c5 L 32-45) ;  
positioning mail pieces output from the postage verifier in a same configuration in a single file line ( c1 L 10-25 with c2 L 25-32) ;  
directing the mail pieces up the upward module (c5 L1-55);  
directing the mail pieces through the overhead transport (c5 L1-55);  
directing the mail pieces down the downward module to a mail sorter (c5 L 1-17;c7 L 1-39);  
and sorting the mail based on destination (c5 L 45-56);  
(Re: cl 34) further including selectively feeding mail into the mail sorter from a feeder and the second mail carrying module (c5 L1-55)  
(Re: cl 35) wherein directing mail pieces up an upward module comprises directing mail

of a specific type up the upward module and directing mail pieces of a different type into one or more stackers (c5 L1-55)

(Re: cl 36) wherein directing mail pieces up an upward module comprises diverting mail to one or more stackers when an error occurs downline from the upward module (c5 L1-55)

(Re: cl 37) wherein directing mail pieces down a downward module includes directing mail pieces into one or more stackers when the mail sorter is unavailable (c5 L1-55).

10. Claims 28 and 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Weeks et al. 5363971 which discloses all the claimed elements including:

(Re: cl 28) verifying and canceling postage by the postage verifier ;  
positioning mail pieces output from the postage verifier in a same configuration in a single file line (c5 L 28-44);  
directing the mail pieces up the upward module (c5 L 27-66; right side fig 1);  
directing the mail pieces through the overhead transport (c5 L 27-66 ; overhead mail path shown at arrows at 1-13 of fig 1);  
directing the mail pieces down the downward module to a mail sorter (c5 L 27-66; fig 1);  
and sorting the mail based on destination (c5 L 51-66);

(Re: cl 34) further including selectively feeding mail into the mail sorter from a feeder and the second mail carrying module (c5 L 27-66) ;

(Re: cl 35) wherein directing mail pieces up an upward module comprises directing mail of a specific type up the upward module and directing mail pieces of a different type into one or more stackers (c5 L 27-66) ;

(Re: cl 36) wherein directing mail pieces up an upward module comprises diverting mail to one or more stackers when an error occurs downline from the upward module (c5 L 27-66) ;

(Re: cl 37) wherein directing mail pieces down a downward module includes directing mail pieces into one or more stackers when the mail sorter is unavailable (c9 L 35-42).

(Re: cl 38 )A method for connecting a delivery item processing machine to a sorter comprising:

receiving a delivery item from an output of the delivery item processing machine after the delivery item processing machine processes the delivery item, transporting the received delivery item from the output of the delivery item processing machine to a first altitude that avoids interference with a work area via a processor-controlled mechanical subsystem, transporting, at the first altitude, the delivery item beyond the work area via the processor-controlled mechanical subsystem, transporting the delivery item from the first altitude to a second altitude via the processor-controlled mechanical subsystem, and transporting the delivery item to an input of the sorter at the second altitude (C7 115-C8 1 43).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim(s) 31 and 28 and 34-39 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks in view of DeShe et al. 5293319 wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 31,38) wherein positioning mail pieces includes positioning mail pieces with a stamp leading (fig 4 & 1).

It would have been obvious for Weeks to orient the mail with the postage on the leading edge to read the postage and address labeling without the need to rotate the image as taught by DeShe et al. and come up with the instant invention.

13. Claim(s) 28 and 34-38 and 40-41 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks in view of Hunter wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 40) wherein the first altitude is sufficient to allow a pedestrian to pass between the delivery item processing machine and the sorter without interfering with transporting the delivery item (16 fig 1; c5 L 1-c6 L 17)

(Re: cl 41) wherein the first altitude is at least six feet above a floor level of the work area (16 fig 1; c5 L 1-c6 L 17).

It would have been obvious for Weeks to us an elevated first altitude in the transport to permit employees to access the opposite side of the equipment in retrieving fallen mail or to permit repair personnel easy access to all sides during repair and maintenance as taught by Hunter et al. and come up with the instant invention.

14. Claim(s) 28 and 34-38 and 42 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks in view of Gibson 2936556 wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 42) wherein the first altitude is below a floor level of the work area (c4 L 54-72).

It would have been obvious for Weeks to us an under floor first altitude in the transport to permit employees to access the opposite side of the equipment in retrieving fallen mail or to permit repair personnel easy access to all sides during repair and maintenance as taught by Gibson and come up with the instant invention.

15. Claim(s) 28 and 34-39 and 44 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks in view of Syvatsky et al. (6019364) wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 39) further comprising: orienting the delivery item to face in a predetermined direction (c5 L 32-44)

(Re: cl 44) wherein the delivery item processing machine is an address encoder; and wherein receiving the delivery item comprises: receiving the delivery item from an output of the address encoder after the address encoder places a delivery code on the delivery item based on an address on the delivery item.

It would have been obvious for Weeks to orient the mail to avoid jamming and read address and postal information as taught by Syvatsky et al. and come up with the instant invention. It would have been obvious for Weeks to encode the mail with an delivery code to assist further sorting equipment in grouping common locale together to make delivery more efficient and verify in tracking as taught by Syvatsky et al. and come up with the instant invention.

16. Claim(s) 28 and 34-38 and 43 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks in view of Uno et al. 5535127 wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 43) wherein the delivery item processing machine is a delivery fee verifier; and wherein receiving the delivery item comprises: receiving the delivery item from an output of the delivery fee verifier after the delivery fee verifier verifies a delivery fee indicia on the delivery item (c5 L 31-41;c2 L 1-9; fig 35).

It would have been obvious for Weeks to verify postage to sufficiency to for the package to avert shorting the post office of due funds as taught by Uno et al. and come up with the instant invention.

17. Claim(s) 28 and 34-38 and 44 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks in view of Mampe et al. 4992649 wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 44) wherein the delivery item processing machine is an address encoder; and wherein receiving the delivery item comprises: receiving the delivery item from an output of the address (c3 L 1-68).

It would have been obvious for Weeks to use a delivery encoder for addressing the mail to efficiently direct the mail to a location and route position as taught by Mampe et al. and come up with the instant invention.

18. Claim(s) 30 and 28 and 34-37 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Svyatsky et al. in view of DeShe et al. 5293319 wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 31) wherein positioning mail pieces includes positioning mail pieces with a stamp leading (fig 4 & 1).

It would have been obvious for Svyatsky et al. to orient the mail with the postage on the leading edge to read the postage and address labeling without the need to rotate the image as taught by Svyatsky et al.. and come up with the instant invention.

19. Claim(s) 29-30, 32-33 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks et al. in view of Sansone 6549892 wherein the former discloses all the claimed element except those taught by the latter including:

(Re: cl 29) further comprising: decoding address information on mail pieces that are determined not to include a bar code, sending bar code data corresponding to the decoded address and a mail piece identifier to a database (c 3 L 46-67)

(Re: cl 30) wherein sorting further comprises determining whether mail pieces include a bar code; querying the database using a mail identifier to obtain bar code data for mail pieces without a bar code; printing obtained bar codes onto corresponding mail pieces; placing mail in stacks associated with a destination designated in bar codes on the mail pieces (c3 L 46-67 & c4 L 20-36)

(Re: cl 32) wherein said optical character reader reviews address information on mail pieces and forwards bar code data to a database (c3 L 46-67)

(Re: cl 33) wherein the mail sorter obtains bar code data from the database for printing on mail pieces (c3 L 46-67).

It would have been obvious for to modify Weeks to verify address information from a database and print correct unique address bar codes because to reduce delivery errors with presort verification as taught by Sansone and come up with the instant invention as claimed. It would have been obvious for to modify Weeks to forward scanned address information to a database and to update database collection for future corrections as taught by Sansone and come up with the instant invention as claimed.

20. Claim(s) 28-30 and 32-37 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Svyatsky et al. in view of Sansone wherein the former discloses all the claimed element except those taught by the latter including:

(Re: cl 29) further comprising: decoding address information on mail pieces that are determined not to include a bar code; sending bar code data corresponding to the decoded address and a mail piece identifier to a database ( c 3 L 46-67 )

(Re: cl 30) wherein sorting further comprises determining whether mail pieces include a bar code; querying the database using a mail identifier to obtain bar code data for mail pieces without a bar code; printing obtained bar codes onto corresponding mail pieces; placing mail in stacks associated with a destination designated in bar codes on the mail pieces ( c3 L 46-67 & c4 L 20-36 )

(Re: cl 32) wherein said optical character reader reviews address information on mail pieces and forwards bar code data to a database ( c3 L 46-67 )

(Re: cl 33) wherein the mail sorter obtains bar code data from the database for printing on mail pieces ( c3 L 46-67 ).

It would have been obvious for to modify Svyatsky et al. to verify address information from a database and print correct unique address bar codes because to reduce delivery errors with presort verification as taught by Sansone and come up with the instant invention as claimed. It would have been obvious for to modify Svyatsky et al. to forward scanned address information to a database and to update database collection for future corrections as taught by Sansone and come up with the instant invention as claimed.

21. Claim(s) 28-30 and 32-38, 44 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks et al. in view of Manduley et al. 5079714 wherein the former discloses all the claimed element except those taught by the latter including:

(Re: cl 29) further comprising: decoding address information on mail pieces that are determined not to include a bar code; sending bar code data corresponding to the decoded address and a mail piece identifier to a database (c6 L 1-64)

(Re: cl 30) wherein sorting further comprises determining whether mail pieces include a bar code; querying the database using a mail identifier to obtain bar code data for mail pieces without a bar code (c6 L 1-64); printing obtained bar codes onto corresponding mail pieces; placing mail in stacks associated with a destination designated in bar codes on the mail pieces (c3 L 6-22)

(Re: cl 32) wherein said optical character reader reviews address information on mail pieces and forwards bar code data to a database (c6 L 1-64)

(Re: cl 33, 44) wherein the mail sorter obtains bar code data from the database for printing on mail pieces (c3 L 6-22).

It would have been obvious for to modify Weeks to verify address information from a database and print correct unique address bar codes because to reduce delivery errors with presort verification as taught by Manduley et al. and come up with the instant invention as claimed. It would have been obvious for to modify Weeks to forward scanned address information to a database and to update database collection for future corrections as taught by Manduley et al. and come up with the instant invention as claimed.

22. Claim(s) 28-30 and 32-37 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Svyatsky et al. in view of Manduley et al. wherein the former discloses all the claimed element except those taught by the latter including:

(Re: cl 29) further comprising: decoding address information on mail pieces that are determined not to include a bar code; sending bar code data corresponding to the decoded address and a mail piece identifier to a database (c6 L 1-64)

(Re: cl 30) wherein sorting further comprises determining whether mail pieces include a bar code; querying the database using a mail identifier to obtain bar code data for mail pieces without a bar code (c6 L 1-64); printing obtained bar codes onto corresponding mail pieces; placing mail in stacks associated with a destination designated in bar codes

on the mail pieces (c3 L 6-22)

(Re: cl 32) wherein said optical character reader reviews address information on mail pieces and forwards bar code data to a database (c6 L 1-64)

(Re: cl 33) wherein the mail sorter obtains bar code data from the database for printing on mail pieces (c3 L 6-22).

It would have been obvious for to modify Svyatsky et al. to verify address information from a database and print correct unique address bar codes because to reduce delivery errors with presort verification as taught by Manduley et al. and come up with the instant invention as claimed. It would have been obvious for to modify Svyatsky et al. to forward scanned address information to a database and to update database collection for future corrections as taught by Manduley et al. and come up with the instant invention as claimed.

23. Claim(s) 38-41 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Svyatsky et al. in view of Hunter et al. 4136780 wherein the former discloses all the claimed element except those taught by the latter including:

(Re: cl 39) transporting the received delivery item from the output of the delivery item processing machine to a first altitude that avoids interference with a work area via a processor-controlled mechanical subsystem (16 fig 1);  
transporting, at the first altitude, the delivery item beyond the work area via the processor-controlled mechanical subsystem ; (c5 L 12-62)  
transporting the delivery item from the first altitude to a second altitude via the processor-controlled mechanical subsystem; and (c4 L 60-c5 L 12)  
transporting the delivery item to an input of the sorter at the second altitude (c 6

(Re: cl 40) wherein the first altitude is sufficient to allow a pedestrian to pass between the delivery item processing machine and the sorter without interfering with transporting the delivery item (16 fig 1; c5 L 1-c6 L 17)

(Re: cl 41) wherein the first altitude is at least six feet above a floor level of the work area (16 fig 1; c5 L 1-c6 L 17).

It would have been obvious for Svyatsky et al to us an elevated first altitude in the transport to permit employees to access the opposite side of the equipment in retrieving fallen mail or to permit repair personnel easy access to all sides during repair and maintenance as taught by Hunter et al. and come up with the instant invention.

***Response to Amendment/Arguments***

24. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections. Weeks et al. teaches transporting the mail pieces overhead of the sorter. Regarding Syvatski et al., upward and downward read on upstream and downstream directions.

***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*meh*  
10/30/06



PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600